IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30528 of 2007(H)

PETITIONER:

MATHAI RAJAN, S/O.M.MATHAI,
VALLITHUNDIL PEEDIKAYIL, KADAMBANAD SOUTH P.O
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR, PATHANAMTHITTA.

2. THE REVENUE DIVISIONAL OFFICER,
ADOOR, PATHANAMTHITTA DISTRICT.

3. THE TAHSILDAR, ADOOR TALUK, ADOOR.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

= = = = = = = = = = = = = = = = =
W.P.(C) No.30528 OF 2007 H
= = = = = = = = = = = = = = = = =

Dated this the 16th October, 2007

J U D G M E N T

By Ext. P2 issued under the Land Conservancy Act the petitioner was called upon to vacate 43 sq.ms. of land. On finding that the said portion of land is puramboke, petitioner applied for its assignment as per Ext. P4. It is submitted that there is a building in the plot and it was necessary to have it assigned in his favour for the beneficial enjoyment of the remaining portion of the plot.

2. However, the application was rejected by Ext. P5 order of the 3rd respondent. Petitioner submits that, though he has a statutory remedy of appeal available against Ext. P5, there is every likelihood of Ext. P5 being implemented resulting in demolition of the building itself. It is therefore that this writ petition has been filed requesting for a breathing time to pursue the appellate remedy that is available.

3. I have heard the learned Govt. Pleader also.

4. Now that the petitioner claims that he has been

in long possession of the land with a building therein I think, a reasonable time should be given to him for pursuing his statutory remedy that is available.

5. Accordingly, I dispose of this writ petition directing that the proceedings initiated against the petitioner under Ext. P1 shall be kept in abeyance for a period of two weeks and the petitioner, if so advised, may pursue his appellate remedy and obtain orders thereon.

ANTONY DOMINIC
JUDGE

jan/-